

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

ISSAC D. FREMPONG
XX/XX/1998

Case No. 21 MJ 154

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 9, 2021 in the county of Washington in the
Eastern District of Wisconsin, the defendant(s) violated:

Code Section

18 U.S.C. Section 922(a)(6)

Offense Description

Knowingly made a false statement to a licensed firearms dealer

CLERK'S OFFICE
A TRUE COPY

Jul 27, 2021

s/ Daryl Olszewski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Matthew Mason

Complainant's signature

ATF Special Agent Matthew Mason

Printed name and title

Sworn via telephone; transmitted via email
pursuant to Fed. R. Crim. 4.1

Date: July 27, 2021

City and state: Milwaukee, Wisconsin

William E. Duffin

Judge's signature

Hon. William E. Duffin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Matthew Mason, being first duly sworn, on oath, on information and belief state:

I. BACKGROUND, TRAINING & EXPERIENCE

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been so employed since September 2015. Prior to my employment with ATF, I was a Police Officer with the Calumet City Illinois Police Department, from 2003 until 2015. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to violent crime, and firearms and explosives offenses, including 18 U.S.C. § 922(g)(1) (felon in possession of a firearm) and 26 U.S.C. §§ 5861(d), (e) & (f), (possess, transfer or making a firearm not registered in the National Firearms Registration and Transfer Record).

2. During my career in law enforcement, I have investigated violations of federal narcotics laws and related violations, including federal firearms offenses. Based on the investigation to date, my training, experience, and participation in firearms and drug trafficking investigations, I believe there is probable cause that on July 09, 2021, ISSAC D. FREMPONG (XX-XX-1998), knowingly made a false statement to a licensed firearms dealer in violation of Title 18 U.S.C. § 922(a)(6).

3. This affidavit is based upon my personal knowledge, training, and experience, and on information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon police reports, official records, cooperating citizen witness statements, consent searches, business records, surveillance video, court records, telephone records, and public records which I consider to be reliable as set forth herein.

4. Because this affidavit is submitted for the limited purpose of obtaining a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have attempted to set forth only the facts that I believe are pertinent to establishing the necessary foundation for the complaint and corresponding arrest warrant.

II. PROBABLE CAUSE

5. On 07/23/2021, I, ATF Special Agent (SA) Matthew Mason reviewed Brown Deer Police reports for case #21-009109. The case details the 07/10/2021 arrest of George BERRY (M/B DOB: XX/XX/1993) and a subsequent firearm investigation.

6. On 07/10/2021, BDPD Officers conducted a traffic stop on a Honda Accord with Wisconsin registration XXX-XXXX in the 9100 block of N. Deerbrook Trail in Brown Deer, Wisconsin. Officers made contact with the driver/sole occupant BERRY who is also the vehicle's registered owner.

7. While speaking with BERRY, the odor of marijuana was detected coming from the vehicle. Loose marijuana was also observed on the driver's front door and floorboard. BERRY was asked to exit the vehicle and Officers learned that he was on under DOC supervision for an armed robbery case.

8. During the search of the vehicle, Officers recovered a box of firearm ammunition and a firearm in the center counsel. The ammunition box contained 40 live/ unfired .357 cartridges.

9. The firearm is further described as a black, Glock, model 33, .357, semiautomatic pistol. The pistol had 9 live/unfired cartridges in the ammunition magazine, 1 live/unfired cartridge in the chamber, and had serial number NNS646.

10. BERRY is prohibited from possessing firearms and/or ammunition due to the fact BERRY is a person previously convicted of a felony. BERRY has prior felony convictions in

Milwaukee County under cases 2011CF005749: Armed Robbery with Threat of Force and 2014CF004166: Felon in possession of Firearm.

11. An ATF E-trace of the firearm was conducted under trace #T20210295396. The trace shows the firearm was purchased 07/09/2021, the day prior to recovery, by Issac D. FREMPONG. It was also noted the firearm was part of a multiple sale conducted by FREMPONG.

12. BDPD investigators conducted follow up investigation at the Federal Firearms Licensee (FFL) MJ Custom located at 1292 Highway 175 in Hubertus, WI. MJ Custom hold FFL #33907990.

13. The owner of MJ Custom, M.B., immediately recalled the purchase and was able to provide investigators with the ATF form 4473 and video from the transaction. M.B. stated that his suspicions raised during the transaction and he pulled FREMPONG to the side and explained the possible penalties for purchasing the firearm(s) for another person. FREMPONG was also required to complete paperwork on the forms he checked “yes” to indicate that he was the actual transferee/buyer of the firearm and that he was not purchasing the firearm on behalf of another person.

14. Investigators then spoke to sales clerk, J.R., who watched the surveillance video of the transaction with investigators and pointed out FREMPONG and his associate. The associate was a larger framed, black, male, subject with dreadlocks, who is now known as George BERRY. J.R. stated that FREMPONG and BERRY entered the store together and were both looking at firearms. J.R. stated that both FREMPONG and BERRY handled several firearms while in the store.

15. At one point, J.R. recalls BERRY asking if the business had a 357 Sig and J.R. showed them the Glock 33, which is a .357, that FREMPONG eventually purchased. This was the firearm BERRY was arrested in possession of on 07/10/2021.

16. The videos also depict BERRY handing cash to FREMPONG on two occasions while inside the store prior to the sale of the first firearm. The first time occurred while BERRY and FREMPONG were still shopping around in the store. The second time occurred at the time of purchase of the first firearm. J.R. stated that FREMPONG was short \$45 for the purchase and BERRY gave FREMPONG the remaining cash. The firearm was used, therefore did not have a case, but did have a box of .357 ammunition.

17. FREMPONG returned to the same store later that same day, alone, and purchased a second firearm.

Attempted Purchase

18. On 07/24/2021, ATF Mason and ATF TFO Rodolfo Ayala were notified by MJ Custom that FREMPONG was again at the firearm store attempting to purchase a handgun. SA Mason was notified that FREMPONG was with a customer who the FFL had previously denied a handgun purchase on 06/21/2021.

19. The sale was delayed, and the firearm was not transferred. FREMPONG and the male, now known as Juan J. MCKINLEY WINFIELD (M/B DOB: XX-XX-1998) arrived in a 2018 Blue Jeep Compass with Wisconsin registration XXX-XXX. The vehicle registers to Juan J. MCKINLEY with DOB: XX-XX-1998.

20. A law enforcement NCIC check confirmed that MCKINLEY WINFIELD was denied a firearm purchase on 06/21/2021.

21. A check of law enforcement database shows that MCKINLEY WINFIELD has an open felony case in Milwaukee County for Possess Short barreled Shotgun/Rifle.

22. FREMPONG is scheduled to return to MJ Custom on July 28, 2021 to complete the purchase and pick up the firearm.